IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1743 of 1985

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DURLABHBHAI MANIBHAI NAIK

Versus

BHIKHUBHAI KESHAVBHAI ALIAS KESHURBHAI MISTRY SINCE DEC'D

Appearance:

1. Civil Revision Application No. 1743 of 1985

MR PV NANAVATI for the Petitioners

MR AB MUNSHI for Respondents Nos.1 to 4 and 8

Respondents Nos.5,6 and 7 served

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 09/10/2002

ORAL JUDGEMENT

This Revision Application preferred under Section

29(2) of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (hereinafter referred to as 'the Rent Act') arises from the judgment and order dated 5th July, 1985 passed by the learned District Judge, Valsad in Regular Civil Appeal No.72/1983. The petitioners before this Court are the appellants - plaintiffs.

The plaintiffs instituted Civil Suit No.69/1979 in the Court of Civil Judge (J.D.), Pardi for recovery of the suit premises on the ground of reasonable and bonafide requirement of the suit premises by the plaintiffs. The suit premises is a part of a residential house situated at Vapi, Taluka Pardi.

The suit was contested by the defendant - tenant by filing written statement (Ex.11). The defendant contended that the contractual rent of the suit premises of Rs.25=00 per month was excessive and that the standard rent of the suit premises was Rs.15=00 per month. The learned trial Judge, under the judgment and order dated 30th July, 1983, disbelieved the claim of reasonable and bonafide requirement of the suit premises by the plaintiffs. The learned trial Judge dismissed the suit and fixed standard rent of the suit premises at Rs.15=00 per month.

Feeling aggrieved, the plaintiffs preferred Regular Civil Appeal No.72/1983 in the District Court, Valsad. The learned District Judge, Valsad, under the impugned judgment and order dated 5th July, 1985, partly allowed the appeal in as much as the standard rent which was fixed by the trial Court at Rs.15=00 per month was raised to Rs.25=00 per month, however, upheld the decision of the trial Court in respect of the claim of the plaintiffs of reasonable and bonafide requirement of the suit premises. Feeling aggrieved, the plaintiffs have preferred the present Revision Application.

As recorded hereinabove, both the Courts below have disbelieved the claim of the plaintiffs of reasonable and bonafide requirement of the suit premises. I am of the view that both the Courts below have rightly rejected the said claim of the plaintiffs. No ground has been made out by Mr.Nanavati for this Court to interfere with the concurrent findings recorded by both the Courts below. No other contention arises in this Revision Application.

The Revision Application is dismissed with costs. Rule is discharged.

(Ms. R.M. Doshit, J.)

/sakkaf